

REMARKS

Claims 1, 5, 6, 14, 15, 21, 25, 26, 31 and 32 have been amended. Claims 2, 3, 22 and 23 have been canceled. Claims 1, 4-21 and 24-42 are currently pending in this application. Applicant reserves the right to pursue the original and other claims in this and other applications. Applicant respectfully requests reconsideration in light of the above amendments and the following remarks.

Applicant gratefully acknowledges the indication of allowable subject matter in claims 2, 5-20, 22,¹ 25-36, 38, 39, 41 and 42.

The drawings are objected to under 37 CFR 1.83(a) as not showing every feature of the claims. Reconsideration is respectfully requested. Claims 5, 14, 25 and 31 have been amended to recite, e.g., “a second step of varying a quantity of the spherical aberration generated by the aberration generation device to determine and store a driving condition of the aberration generation device, wherein the driving condition is a condition for which an amplitude of a recording information signal or a track error signal is at a maximum.” (claim 5). Storing of this driving condition is shown, e.g., at step S17 of FIG. 6. Thus, Applicant respectfully submits that the drawings are in compliance with 37 CFR 1.83(a) and request the objection be withdrawn.

Claims 2, 3, 5-20, 22, 25-36, 38, 39, 41 and 42 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. This rejection is respectfully traversed and reconsideration is respectfully requested.

Claim 3 has been canceled; thus the rejection is moot as to claim 3.

With respect to claims 2 and 22 (which have been incorporated into claims 1 and 21, respectively, herein), Applicant has amended the claim language in order to address the Examiner's concerns.

¹ Applicant notes that claim 22 has not been addressed in the Office Action; however, as claim 22 has similar subject matter to that of claim 2, Applicant presumes the Examiner intended similar treatment as given to claim 2 and have responded as such.

With respect to claims 5 and 25, the phrase “medium with a wavelength λ_1 ” has been amended to “medium with a light beam of wavelength λ_1 ” in accordance with the Examiner’s suggestion.

With respect to the language “to store a driving condition,” each of claims 5, 14, 25 and 31 has been amended to address the Examiner’s concern. Specifically, the way in which the driving condition is obtained has been clarified.

With respect to the language “high recording density” and “low recording density,” each of claims 14 and 31 has been amended to clarify that the recording densities are relative values. Additionally, Applicant notes that it is possible to have different recording densities while still using a “blu-ray” format light. Referring to the Specification, Applicant notes that in order to “increas[e] the recording density of such an optical recording medium, it is effective to increase the numerical aperture (referred to as NA, below) of an objective lens or to shorten the wavelength for a light source in an optical pick-up for performing writing or calling of information for the optical recording medium, so that the diameter of a beam spot focused by the objective lens decreases which spot is formed on the optical recording medium.” Specification, pg. 1, line 22 – pg. 2, line 4 (emphasis added). Thus, a disk may be recorded with the same “blu-ray” format light and have different recording densities if the numerical aperture of the lens is changed. Thus, as described with respect to an example embodiment “an optical pick-up focuses light beams with NA1 on (p-q) layer(s) with high information recording density and focuses light beams with a numerical aperture of NA2 smaller than NA1 on q layer(s) at the back side.” Specification, pg. 65, lines 7-10 (emphasis added).

Thus, Applicant respectfully submits that the claims are in compliance with 35 U.S.C. § 112, second paragraph and requests the rejection be withdrawn.

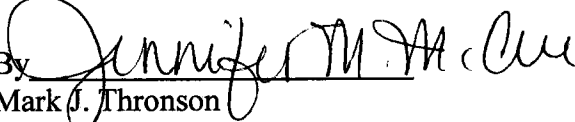
Claims 1, 3, 4, 21, 23, 24, 37 and 40 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ootaki et al. (U.S. Patent No. 6,078,554) (“Ootaki”). This rejection is respectfully traversed. However, in order to expedite prosecution of this application, claims 1 and 21 have been

amended to incorporate the allowable subject matter of claims 2 and 22, respectively, and claims 3 and 23 have been canceled. Claims 4 and 37 depend from claim 1 and are allowable along with claim 1. Claims 24 and 40 depend from claim 21 and are allowable along with claim 21. Applicant respectfully requests the rejection be withdrawn and the claims allowed.

In view of the above, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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